
SUBSTITUTE SENATE BILL 6287

State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Fairley, Thibaudeau and Shin)

READ FIRST TIME 01/30/06.

1 AN ACT Relating to special parking privileges for legally blind
2 persons; and amending RCW 46.16.381.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 46.16.381 and 2005 c 390 s 2 are each amended to read
5 as follows:

6 (1) The director shall grant special parking privileges to any
7 person who has a disability that limits or impairs the ability to walk
8 and meets one of the following criteria, as determined by a licensed
9 physician or an advanced registered nurse practitioner licensed under
10 chapter 18.79 RCW:

11 (a) Cannot walk two hundred feet without stopping to rest;

12 (b) Is severely limited in ability to walk due to arthritic,
13 neurological, or orthopedic condition;

14 (c) (~~Is so severely disabled~~) Has such a severe disability, that
15 the person cannot walk without the use of or assistance from a brace,
16 cane, another person, prosthetic device, wheelchair, or other assistive
17 device;

18 (d) Uses portable oxygen;

1 (e) Is restricted by lung disease to such an extent that forced
2 expiratory respiratory volume, when measured by spirometry is less than
3 one liter per second or the arterial oxygen tension is less than sixty
4 mm/hg on room air at rest;

5 (f) Impairment by cardiovascular disease or cardiac condition to
6 the extent that the person's functional limitations are classified as
7 class III or IV under standards accepted by the American Heart
8 Association; ~~((or))~~

9 (g) Has a disability resulting from an acute sensitivity to
10 automobile emissions which limits or impairs the ability to walk. The
11 personal physician or advanced registered nurse practitioner of the
12 applicant shall document that the disability is comparable in severity
13 to the others listed in this subsection; or

14 (h) Is legally blind.

15 (2) The applications for parking permits for persons with
16 disabilities and parking permits for persons with temporary
17 disabilities are official state documents. Knowingly providing false
18 information in conjunction with the application is a gross misdemeanor
19 punishable under chapter 9A.20 RCW. The following statement must
20 appear on each application form immediately below the physician's or
21 advanced registered nurse practitioner's signature and immediately
22 below the applicant's signature: "A parking permit for a person with
23 disabilities may be issued only for a medical necessity that severely
24 affects mobility (RCW 46.16.381). Knowingly providing false
25 information on this application is a gross misdemeanor. The penalty is
26 up to one year in jail and a fine of up to \$5,000 or both."

27 (3) Persons who qualify for special parking privileges are entitled
28 to receive from the department of licensing a removable windshield
29 placard bearing the international symbol of access and an individual
30 serial number, along with a special identification card bearing the
31 name and date of birth of the person to whom the placard is issued, and
32 the placard's serial number. The special identification card shall be
33 issued ~~((no later than January 1, 2000,))~~ to all persons who are issued
34 parking placards, including those issued for temporary disabilities,
35 and special parking license plates for persons with disabilities. The
36 department shall design the placard to be displayed when the vehicle is
37 parked by suspending it from the rearview mirror, or in the absence of
38 a rearview mirror the card may be displayed on the dashboard of any

1 vehicle used to transport the person with disabilities. Instead of
2 regular motor vehicle license plates, persons with disabilities are
3 entitled to receive special license plates under this section or RCW
4 46.16.385 bearing the international symbol of access for one vehicle
5 registered in the name of the person with disabilities. Persons with
6 disabilities who are not issued the special license plates are entitled
7 to receive a second special placard upon submitting a written request
8 to the department. Persons who have been issued the parking privileges
9 and who are using a vehicle or are riding in a vehicle displaying the
10 placard or special license plates issued under this section or RCW
11 46.16.385 may park in places reserved for persons with physical
12 disabilities. The director shall adopt rules providing for the
13 issuance of special placards and license plates to public
14 transportation authorities, nursing homes licensed under chapter 18.51
15 RCW, boarding homes licensed under chapter 18.20 RCW, senior citizen
16 centers, private nonprofit agencies as defined in chapter 24.03 RCW,
17 and vehicles registered with the department as cabulances that
18 regularly transport persons with disabilities who have been determined
19 eligible for special parking privileges provided under this section.
20 The director may issue special license plates for a vehicle registered
21 in the name of the public transportation authority, nursing home,
22 boarding home, senior citizen center, private nonprofit agency, or
23 cabulance service if the vehicle is primarily used to transport persons
24 with disabilities described in this section. Public transportation
25 authorities, nursing homes, boarding homes, senior citizen centers,
26 private nonprofit agencies, and cabulance services are responsible for
27 insuring that the special placards and license plates are not used
28 improperly and are responsible for all fines and penalties for improper
29 use.

30 (4) Whenever the person with disabilities transfers or assigns his
31 or her interest in the vehicle, the special license plates shall be
32 removed from the motor vehicle. If another vehicle is acquired by the
33 person with disabilities and the vehicle owner qualifies for a special
34 plate, the plate shall be attached to the vehicle, and the director
35 shall be immediately notified of the transfer of the plate. If another
36 vehicle is not acquired by the person with disabilities, the removed
37 plate shall be immediately surrendered to the director.

1 (5) The special license plate shall be renewed in the same manner
2 and at the time required for the renewal of regular motor vehicle
3 license plates under this chapter. No special license plate may be
4 issued to a person who is temporarily disabled. A person who has a
5 condition expected to improve within six months may be issued a
6 temporary placard for a period not to exceed six months. If the
7 condition exists after six months a new temporary placard shall be
8 issued upon receipt of a new certification from the person's physician.
9 The permanent parking placard and identification card of a person with
10 disabilities shall be renewed at least every five years, as required by
11 the director, by satisfactory proof of the right to continued use of
12 the privileges. In the event of the permit holder's death, the parking
13 placard and identification card must be immediately surrendered to the
14 department. The department shall match and purge its data base of
15 parking permits issued to persons with disabilities with available
16 death record information at least every twelve months.

17 ~~(6) ((Each person with disabilities who has been issued a permanent~~
18 ~~parking permit on or before July 1, 1998, must renew the permit no~~
19 ~~later than July 1, 2003, subject to a schedule to be set by the~~
20 ~~department, or the permit will expire.~~

21 ~~(7))~~ Additional fees shall not be charged for the issuance of the
22 special placards or the identification cards. No additional fee may be
23 charged for the issuance of the special license plates except the
24 regular motor vehicle registration fee and any other fees and taxes
25 required to be paid upon registration of a motor vehicle.

26 ~~((8))~~ (7) Any unauthorized use of the special placard, special
27 license plate issued under this section or RCW 46.16.385, or
28 identification card is a traffic infraction with a monetary penalty of
29 two hundred fifty dollars.

30 ~~((9))~~ (8) It is a parking infraction, with a monetary penalty of
31 two hundred fifty dollars for a person to make inaccessible the access
32 aisle located next to a space reserved for persons with physical
33 disabilities. The clerk of the court shall report all violations
34 related to this subsection to the department.

35 ~~((10))~~ (9) It is a parking infraction, with a monetary penalty of
36 two hundred fifty dollars for any person to park a vehicle in a parking
37 place provided on private property without charge or on public property
38 reserved for persons with physical disabilities without a placard or

1 special license plate issued under this section or RCW 46.16.385. If
2 a person is charged with a violation, the person shall not be
3 determined to have committed an infraction if the person produces in
4 court or before the court appearance the placard or special license
5 plate issued under this section or RCW 46.16.385 required under this
6 section. A local jurisdiction providing nonmetered, on-street parking
7 places reserved for persons with physical disabilities may impose by
8 ordinance time restrictions of no less than four hours on the use of
9 these parking places. A local jurisdiction may impose by ordinance
10 time restrictions of no less than four hours on the use of nonreserved,
11 on-street parking spaces by vehicles displaying the special parking
12 placards or special license plates issued under this section or RCW
13 46.16.385. All time restrictions must be clearly posted.

14 ~~((+11))~~ (10) The penalties imposed under subsections (8) and (9)
15 ~~((and +10))~~ of this section shall be used by that local jurisdiction
16 exclusively for law enforcement. The court may also impose an
17 additional penalty sufficient to reimburse the local jurisdiction for
18 any costs it may have incurred in removal and storage of the improperly
19 parked vehicle.

20 ~~((+12))~~ (11) Except as provided by subsection (2) of this section,
21 it is a traffic infraction with a monetary penalty of two hundred fifty
22 dollars for any person willfully to obtain a special license plate
23 issued under this section or RCW 46.16.385, placard, or identification
24 card in a manner other than that established under this section.

25 ~~((+13))~~ (12)(a) A law enforcement agency authorized to enforce
26 parking laws may appoint volunteers, with a limited commission, to
27 issue notices of infractions for violations of this section or RCW
28 46.61.581. Volunteers must be at least twenty-one years of age. The
29 law enforcement agency appointing volunteers may establish any other
30 qualifications the agency deems desirable.

31 (b) An agency appointing volunteers under this section must provide
32 training to the volunteers before authorizing them to issue notices of
33 infractions.

34 (c) A notice of infraction issued by a volunteer appointed under
35 this subsection has the same force and effect as a notice of infraction
36 issued by a police officer for the same offense.

37 (d) A police officer or a volunteer may request a person to show
38 the person's identification card or special parking placard when

1 investigating the possibility of a violation of this section. If the
2 request is refused, the person in charge of the vehicle may be issued
3 a notice of infraction for a violation of this section.

4 ~~((+14+))~~ (13) For second or subsequent violations of this section,
5 in addition to a monetary fine, the violator must complete a minimum of
6 forty hours of:

7 (a) Community restitution for a nonprofit organization that serves
8 persons having disabilities or disabling diseases; or

9 (b) Any other community restitution that may sensitize the violator
10 to the needs and obstacles faced by persons who have disabilities.

11 ~~((+15+))~~ (14) The court may not suspend more than one-half of any
12 fine imposed under subsection ~~((+8+))~~ (7), ~~((+9+))~~ (8), ~~((+10+))~~ (9),
13 or ~~((+12+))~~ (11) of this section.

14 (15) For the purposes of this section, "legally blind" means a
15 person who: (a) Has no vision or whose vision with corrective lenses
16 is so limited that the individual requires alternative methods or
17 skills to do efficiently those things that are ordinarily done with
18 sight by individuals with normal vision; or (b) has an eye condition of
19 a progressive nature which may lead to blindness.

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